

REMARKS

Claims 1-8 have been rejected under 35 USC 103(a) as unpatentable over Gorsuch in view of Jamal. The rejection is respectfully traversed.

In the present invention, the channel resources are assigned to a single mobile station via a common channel description, i.e. as disclosed in the specification and drawings. The individual channel resources are identified by, for example, code numbers, frequency numbers, etc. The additional information about the order of the transmission of data, i.e. the utilization of the channel resources, now enables the receiver to recover data in the order in which it was mapped to the channel resources at the transmitter.

As stated by the Examiner, Gorsuch fails to disclose a common channel description, as required by the claimed invention. However, the Examiner comments that Jamal teaches this limitation. Applicant's respectfully disagree.

Jamal discloses a method for an implicit resource allocation in a radio communication system. According to Jamal, and the Examiner, a base station of a radio access network transmits parameters in a downlink common control channel, the parameter relating to system identification, base station identifier, cell identifier, common channel information, etc., which enable a mobile station receiving these parameters to subsequently initiate an access procedure to the base station. According to Fig. 4 and the corresponding description in col. 7, lns. 54-59, after having received these parameters, the mobile station decides whether it requires the setup of a dedicated channel resource, and if yes, transmits a request for a traffic channel on an uplink common control channel. However, Jamal fails to disclose a common channel, i.e. a description related to a plurality (or number) of channels, nor does it disclose any information related to the order in which the plurality of channels may be used to transmit data for one transmission direction, as required by the claimed invention. See, for example, claim 1 requiring assigning a number of channel resources to the subscriber station for one transmission direction via a common channel description; and the channel description includes information about utilization of the channel resources during the radio transmission, which specifies the order of the transmission of data for the one transmission

direction. Jamal, on the other hand, discloses sending information between a base station and multiple subscribers (see, for example, col. 3, lns. 31-51 and; claim 1, col. 10, stating the mobile station receives broadcast parameters).

Additionally, the Examiner states that it would have been obvious “to make the channel resource assignor in Gorsuch adapt to include transmitting a common channel description because the channel resource assignor transmits channel assignment information to multiple subscriber stations and it would allow for efficient resource allocation in a radio communications system, that compensates for expansion and contraction of data traffic loading.” While the Examiner provides his reasons for motivation to combine the references, he fails to cite a reference in support of this reason to combine. That is, neither Gorsuch nor Jamal, short of using impermissible hindsight, teach of suggest the reasons for motivation to combine the references, as detailed by the Examiner. As such, the Examiner is respectfully requested to cite a reference, or withdraw the rejection.

Since the recited structure and method are not disclosed by the applied prior art (either alone or in combination), claims 1 and 8 are patentable. Claims 2-7, depending from claim 1, are similarly patentable.

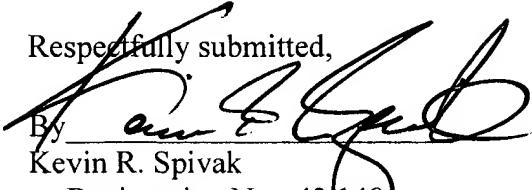
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122010700.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 20, 2006

Respectfully submitted,

By 
Kevin R. Spivak

Registration No.: 43,148
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7762